

### REMARKS

In the Office Action, the Examiner objected to Claims 13-15 and rejected Claims 1-12 and 16-31 as being anticipated or rendered obvious by U.S. Patent No. 6,554,762 to Leysieffer. Claim 32 has been added and corresponds in salient content with prior Claim 13 and the claims from which it depended. As to the rejections based on Leysieffer, Applicant initially reserves all options to remove Leysieffer as prior art. In any case, however, Applicant submits that Leysieffer fails to disclose or render obvious the pending claims.

In particular, independent Claims 1 and 21 are directed to a method and system for assessing the performance of a hearing aid that includes an implanted hearing aid actuator, wherein the method and system each provide for a test measurement device that is separate from the hearing aid and utilized/utilizable to generate a test signal. The method and system further provide for the passage of an electrical signal through the hearing aid actuator of the hearing aid responsive to the test signal.

In turn, an impedance measure of the hearing aid actuator is obtained and is used/useable for assessment of the performance of the hearing aid. Various embodiments of test measurement devices are discussed at Page 17, Line 1 through Page 33, Line 3, particularly in relation to Figs. 3 and 6, of the present application. Of note, in each of the various embodiments the test measurement device 328, 608 is separate and apart from the semi-implantable or fully-implantable hearing aid systems described therewith, wherein in each embodiment the test measurement device generates/outputs a test signal. As may be appreciated, the use/provision of a separate test measurement device reduces overall complexity cost, and hearing aid requirements.

Leysieffer fails to disclose the method or system of Claims 1 and 21 respectively. More particularly, Leysieffer fails to disclose, inter alia, an arrangement in which a separate test measurement device may be utilized to separately generate a test signal for use in the assessment of

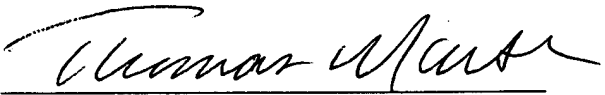
the performance of a hearing aid that includes an implanted hearing aid actuator. Rather, Leysieffer teaches arrangements in which test signals are generated by on-board componentry, i.e. componentry that is part of a hearing aid. For example, in the arrangements of Figs. 1, 6 and 7 of Leysieffer an implantable hearing aid system 1 comprises an implantable electronic module 12 that includes a microcontroller 17 and signal processor 13 that provide an output used to trigger a transducer 16 or 36. See, e.g. Column 13, Lines 11-56. With respect to the Fig. 11 arrangement, Leysieffer further fails to disclose a separate test measurement device as per the present invention. Rather, Leysieffer specifically states that:

“Fig. 11 schematically shows the structure of a partially implantable hearing system . . . [that] includes a microphone 10, an electronic module 74 . . . , the power supply (battery) 30 . . . in an external module 76 . . .” Column 20, Line 64 to Column 21, Line 4.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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